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EXAMINER	
RUTTEN, JAMES D	

ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/627,464	GRANT, BRUCE K.	
	Examiner	Art Unit	
	JAMES RUTTEN	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Applicant's submission filed 2/24/09, responding to the 8/14/08 Office action which detailed the rejection of claims 1-29. No claims have been amended, canceled, or added. Claims 1-29 remain pending in the application and have been fully considered by the examiner.

Response to Arguments

2. Applicant's arguments filed 2/24/09 have been fully considered but they are not persuasive.

On page 2 filed 2/24/09, Applicant essentially argues that prior art of record "Remote scripting using a servlet" by Hatcher ("Hatcher") is not valid prior art since there is no evidence that the publication date printed on the reference is legitimate. Applicant submits that the earliest available copy of the reference on the Internet Archive web site (www.archive.org) is dated May 1, 2006, and so was not published prior to the date filing of the present application on 7/26/03.

However, the Hatcher reference was published by IBM developerWorks (www.ibm.com/developerworks/), and not the Internet Archive. References published by IBM developerWorks are provided with a common format including the title of the document at the top of the page, followed by a complexity level indication, followed by author information, and then the publication date followed by the abstract. For example, an article published by IBM developerWorks entitled "JavaScript EE, Part 1: Run JavaScript files on the server side" by Cioroianu (www.ibm.com/developerworks/web/library/wa-aj-javace/) provides the same format

as the Hatcher reference, as shown below (note that this page as well as additional pages referenced here have been provided in the attached Appendix):

JavaScript EE, Part 1: Run JavaScript files on the server side

Learn how to use the javax.script API in Ajax and Java EE applications

Level: Intermediate

Andrei Cioroianu, Senior Java Developer and Consultant, Devsphere

16 Dec 2008

Combine JavaScript with Java™ code on the server to get the freedom to use the same JavaScript routines on both servers and clients. In addition, the techniques presented throughout this series will allow you to maintain a single code base for both Ajax and non-Ajax clients. Because much of the server-side code would still be written in the Java language, you'll find it necessary to expose the Java Platform, Enterprise Edition (Java EE) features to JavaScript. In this series, learn how to run JavaScript files on the server side, call remote JavaScript functions with Ajax, and use the Java Scripting API with the JavaServer Pages (JSP) technology.

Contrast Cioroianu's format with Hatcher's format as follows:

Remote scripting using a servlet

How to give Web applications interactivity and dynamism that you'd expect from desktop apps

Level: Introductory

Erik Hatcher (erik@hatcher.net), President, eHatcher Solutions, Inc.

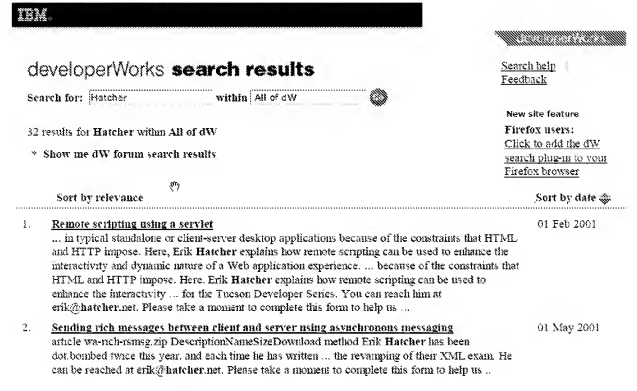
01 Feb 2001

The users of Web applications have suffered a dramatic shift in experiences from the world of desktop applications. Many Web applications do not at all mimic the usability, interactivity, and dynamic nature that is available in typical standalone or client-server desktop applications because of the constraints that HTML and HTTP impose. Here, Erik Hatcher explains how remote scripting can be used to enhance the interactivity and dynamic nature of a Web application experience.

Other articles accessed on the IBM developerWorks site show the same common format. It is clearly seen that the indication of a date is not simply a careless part of the document as

suggested by Applicant, but rather is a standard format including a valid publication date provided through the routine business practice of IBM developerWorks.

Also, a search for Hatcher on the IBM developerWorks site returns a dated list of 32 references. Prior art of record Hatcher is returned as the first reference and is indicated as published 01 Feb 2001 as shown in the right column of the screen capture below:


IBM

developerWorks **search results**

Search for: Hatcher within All of dW

Search help
Feedback

New site feature
Firefox users:
Click to add the dW search plug-in to your Firefox browser

32 results for **Hatcher** within **All of dW**

Show me dW forum search results

Sort by relevance Sort by date

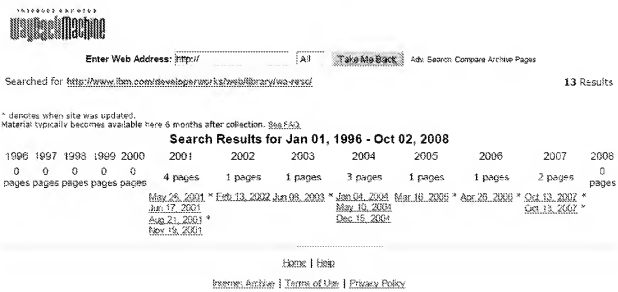
1. **Remote scripting using a servlet** 01 Feb 2001
... in typical standalone or client-server desktop applications because of the constraints that HTML and HTTP impose. Here, Erik **Hatcher** explains how remote scripting can be used to enhance the interactivity and dynamic nature of a Web application experience. ... because of the constraints that HTML and HTTP impose. Here, Erik **Hatcher** explains how remote scripting can be used to enhance the interactivity ... for the Tucson Developer Series. You can reach him at erik@**hatcher**.net. Please take a moment to complete this form to help us ...

2. **Sending rich messages between client and server using asynchronous messaging** 01 May 2001
article wa-rich-rsmsg.zip DescriptionNameSizeDownload method Erik **Hatcher** has been dot.bombed twice this year, and each time he has written ... the revamping of their XML exam. He can be reached at erik@**hatcher**.net. Please take a moment to complete this form to help us ..

Further, the web site www.chatchersolutions.com/rs/ makes a reference to prior art of record Hatcher. A search for this URL on the Internet Archive web site returns a web page dated Jun 9, 2001 which makes a reference to the Hatcher reference. Therefore, the reference was publicly available as evidenced by the Internet Archive at least as early as June 9, 2001.

Finally, in the fourth paragraph on page 2 filed 2/24/09, Applicant suggests that a search of the Internet Archive for the web site http://www-

128.ibm.com/developerworks/web/library/wa-resc/ does not find any results prior to May1, 2006. However, entry of this address in a web browser on 3/31/09 ultimately resolved to http://www.ibm.com/developerworks/web/library/wa-resc/. That is, the Hatcher reference is accessed using both addresses. A search for the resolved address on the Internet Archive shows archived copies of the Hatcher reference being publicly available at least as early as May 26, 2001 as shown below:



As shown above, the overwhelming evidence at least suggests that the Hatcher reference was published prior to the 7/26/03 filing date of the present application. Therefore, Applicant's arguments are not persuasive, and the Hatcher reference is considered to be valid prior art.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Note that the text of the following rejections is copied for convenience in their entirety from the 8/14/08 Non-Final Rejection.

5. Claims 1, 2, 6, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Remote scripting using a servlet" by Hatcher (hereinafter "Hatcher"), in view of U.S. Patent 6,714,219 to Lindhorst (hereinafter '219), in view of 6988241 to Guttman et al. (hereinafter "Guttman"), in view of U.S. Patent 5,864,700 to Barton et al. (hereinafter Barton), in view of 6981215 to Lindhorst (hereinafter '215).

In regard to claim 1, Hatcher discloses:

A method for developing, delivering and rendering a network-based computer application on a visual display connected to a network comprising the steps of:

developing a network-based application (see Abstract, e.g. "remote scripting can be used to enhance the interactivity and dynamic nature of a Web application experience") *by a method comprising the steps of:*

launching an integrated development environment that includes visual drag and drop capabilities designed to wire application components together; See top of page 2, step 1, e.g. "Microsoft Visual InterDev."

...

creating a bootstrap process document that may be used to initiate the network-based application, which bootstrap process document is written in a computer language that can be interpreted by a client device; See pages 3-4, "Listing 1." This listing shows a document in html code which is interpreted by a client device that invokes the network application as shown in Listing 2.

and deploying the network-based application on a computer that is connected to the network; See top of page 4, e.g. "document is loaded."

delivering the network application to a user by a method comprising the steps of:

storing the network-based application at a predetermined network address; See 1st paragraph after abstract on page 1, e.g. "URL"

...

causing the bootstrap process document to execute on the client device and thereby load the network-based application on the client device; See Fig. 1 on page 2.

rendering the network-based application on the visual display of the client device by a method comprising the steps of:

...

causing the at least one pre-built component to be interpreted by the client device; See Fig. 1 on page 2.

...

continuing to process components until all components have been instantiated and all events have been registered; and creating a visual representation on the visual display. See the middle of page 3, e.g. "a single HTML page is created." This HTML

page is then rendered and displayed by the browser as described after the abstract on page 1.

wherein the network-based application is configured such that the client device runs the network-based application without pre-installed software other than a web browser. See the bottom of page 2, e.g. "the browser executes Javascript remote scripting using a servlet on the server-side." Note that Javascript execution is interpreted as a standard browser component as explained on page 4 lines 1-3 of the originally filed specification.

Hatcher does not expressly disclose:

using the development environment to define the structural and functional requirements of the network-based computer application; using the visual drag and drop capabilities of the development environment to select at least one pre-built component capable of satisfying one of the requirements of the network-based application, each said component being written in a device independent computer scripting language; causing the development environment to create a container document that represents the at least one selected pre-built component; Note that this grouping is directed to features of the development environment. Hatcher discloses use of the Microsoft Visual InterDev development environment. Hatcher does not expressly disclose all the features of this development environment. However, '219 teaches these features in column 3 lines 8-17, e.g. "Basically these features include such well-known user-interface features such as drag-and-drop, WYSIWYG, etc. Developers are allowed to instantiate programming objects using a visual metaphor." It would have been obvious to one of ordinary skill at

the time the invention was made, to use 219's teaching of drag-and-drop programming with Hatcher's remote scripting framework in order to simplify the creation of web sites as suggested by '219 (see column 1 line 66 – column 2 line 24).

Hatcher does not expressly disclose: *providing the bootstrap document from the network-based application to a user in response to initiation of a network communication session that identifies the pre-determined network address* and *retrieving at least a part of the network-based application into the client device during the network communication session*. However, Guttman teaches that bootstrap documents are provided from a server to a user. See column 3 line 65 – column 4 line 3, e.g. "received from a server." It would have been obvious to one of ordinary skill at the time the invention was made, to use Guttman's teaching of providing web documents with Hatcher's bootstrap document in order to view the document from within a user's browser as suggested by Guttman (see column 3 lines 65-67).

Hatcher does not expressly disclose satisfying dependencies. However, Barton teaches:

determining whether the interpreted component has a dependency that has not been satisfied; See column 3 lines 5-15, e.g. "locating … a dependency…"

if an unsatisfied dependency exists, deferring the interpretation of the component until all components have been loaded; See column 3 lines 10-15, e.g. "interrupting the processing…" also see column 4 lines 23-33.

if no unsatisfied dependency exists, interpreting the component and creating an instance of the component on the client device; See column 4 lines 31-33, e.g. "instantiation has succeeded."

It would have been obvious to one of ordinary skill at the time the invention was made, to use Barton's teaching of instantiation dependency deferral with Hatcher's rendering in order to enhance error diagnostics and eliminate the need for unbounded memory as suggested by Barton (see column 2 lines 24-63).

Hatcher does not expressly disclose event processing. However, '215 teaches:

upon completion of the interpretation of all components for which no unsatisfied dependency exists and loading of all components, reviewing each deferred component to determine if the component is an event; if the deferred component is not an event, interpreting the component and creating an instance of the component on the client device; See column 32 lines 42-43, e.g. "until the end of the initialization phase." Events are not handled until after all other components are initialized.

if the deferred component is an event, registering the event on the client device in preparation for responding to a predetermined input or condition; See column 32 lines 41-42, e.g. "defer registration." Registration of the event occurs after all other components have been initialized.

It would have been obvious to one of ordinary skill at the time the invention was made, to use '215's teaching of deferred registration with Hatcher's components in order to ensure that event handlers are not fired until after other objects have been constructed and initialized as suggested by '215 (see column 32 lines 45-47).

In regard to claim 2, the above rejection of claim 1 is incorporated. Hatcher does not expressly disclose pre-built components. However, '219 teaches: *wherein the pre-built components include at least one of: a request broker; a visual component; a data component; or a non-visual element*. See column 3 lines 12-13, also column 12 lines 30-48.

In regard to claim 6, the above rejection of claim 1 is incorporated. Hatcher does not expressly discloses: *wherein the development environment uses a web face markup language*. However, '219 teaches use of a web face markup language. See column 2 line 7, e.g. "DHTML." It would have been obvious to one of ordinary skill at the time the invention was made, to use '219's markup language with Hatcher's development environment in order to develop dynamic web application as suggested by Hatcher (see column 2 lines 6-8).

In regard to claim 12, the rejection below of claim 11 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 22, the rejection below of claim 21 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher, '219, Barton, Guttman, and '215, as applied to claim 1 above, and further in view of U.S. Patent 5,193,186 to Tamaki et al. (hereinafter "Tamaki").

In regard to claims 3-5, the above rejection of claim 1 is incorporated. Hatcher, '219, Barton, Guttman, and '215 do not expressly disclose: *wherein the bootstrap process document defines a standalone bootstrap process, a sibling bootstrap process*, or *a dependent bootstrap process*. However, Tamaki teaches that a standalone process can be split into a sibling, or parallel process, which can then spawn a dependent, or child process (see column 1 lines 19-30, e.g. "one process," "parallel," and "child processes." It would have been obvious to one of ordinary skill at the time the invention was made, to use Tamaki's teaching of various types of processes with Hatcher's bootstrap document in order to divide a program and execute them separately as suggested by Tamaki (see column 1 lines 19-20).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher, '219, Barton, Guttman, and '215, as applied to claim 1 above, and further in view of U.S. Patent 6,668,325 to Collberg et al. (hereinafter "Collberg").

In regard to claim 7, the above rejection of claim 1 is incorporated. Hatcher, '219, Barton, Guttman, and '215 do not expressly disclose: *the step of obfuscating at least one identifier prior to delivering the network-based application*. However Collberg teaches code obfuscation. See column 1 line 66 – column 2 line 9. It would have been obvious to one of ordinary skill at the time the invention was made, to use Collberg's teaching of obfuscation with Hatcher's application in order to provide software security as suggested by Hatcher (see column 1 line 67).

8. Claims 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher in view of '219.

In regard to claim 8, all limitations have been addressed in the above rejection of claim 1.

In regard to claims 9 and 13, the above rejection of claim 8 is incorporated. All further limitations have been addressed in the above rejection of claims 1 and 2, respectively.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and '219 as applied to claim 8 above, and further in view of Guttman.

In regard to claims 10 and 11, the above rejection of claim 8 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

10. Claims 14-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher, '219, and Guttman as applied to claim 10 above, and further in view of Tamaki.

In regard to claims 14-16, the above rejection of claim 10 is incorporated. All further limitations have been addressed in the above rejection of claims 3-5, respectively.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher, '219, and Guttman as applied to claim 10 above, and further in view of Collberg.

In regard to claim 17, the above rejection of claim 10 is incorporated. All further limitations have been addressed in the above rejection of claim 7.

12. Claims 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher in view of Guttman.

In regard to claim 18, all limitations have been addressed in the above rejection of claim 1.

In regard to claim 28, all limitations have been addressed in the above rejection of claim 1.

13. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and Guttman as applied to claim 18 above, and further in view of '219.

In regard to claims 19-21, the above rejection of claim 18 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

14. Claims 23-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and Guttman as applied to claim 18 above, and further in view of Tamaki.

In regard to claims 23-25, the above rejection of claim 18 is incorporated. All further limitations have been addressed in the above rejection of claims 3-5, respectively.

15. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and Guttman as applied to claim 18 above, and further in view of '219.

In regard to claim 26, the above rejection of claim 18 is incorporated. All further limitations have been addressed in the above rejection of claim 6.

16. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and Guttman as applied to claim 18 above, and further in view of Collberg.

In regard to claim 27, the above rejection of claim 18 is incorporated. All further limitations have been addressed in the above rejection of claim 7.

17. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatcher and Guttman as applied to claim 28 above, and further in view of Barton and '215.

In regard to claim 29, the above rejection of claim 28 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES RUTTEN whose telephone number is (571)272-3703. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Derek Rutten/
Examiner, Art Unit 2192